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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,626	06/30/2003	Alfred Thomas	47079-00214	1390

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JENKENS & GILCHRIST, P.C.  
225 WEST WASHINGTON  
SUITE 2600  
CHICAGO, IL 60606

EXAMINER
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PANDYA, SUNIT

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,626	THOMAS, ALFRED	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sunit Pandya	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :9/26/05, 7/8/05, 10/25/04, 5/3/04, 3/15/04, 6/30/03.

## **DETAILED ACTION**

### ***Oath/Declaration***

1. Acknowledgement is made of applicant's Oath/Declaration meets standard required by 35 U.S.C 25 & 115.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 05/05/2003 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the information disclosure statement.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 15-17, 21, 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharpe (UK Patent GB 2,099,198).

Claims 1, 15 & 21: Sharpe discloses of a wagering game, wherein the player inserts a wager to play the game (page 1: 15-20), wherein the machine accrues a winning outcome based on a predetermined criterion (page 1: 38-50), wherein the game provides an option to a player to redeem winning outcome and display the winning combination to the player in response to the players' action and awarding the payout

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associated with the winning combination (page 1: 45-80 and page 2: 22-45, wherein Sharpe teaches of having a predetermined set of criteria, wherein the criteria could be an action such as pressing a button taken by the players, to display the winning symbol combination on the viewing window).

Claims 2, 16 & 30: The wagering game disclosed by Sharpe is a mechanical slot machine (page 1: 5-15).

Claims 3 & 26: Sharpe discloses of a wagering game wherein a predetermined criterion to accrue a winning outcome includes a pre-selected symbol (page 1: 63-85).

Claim 4: Sharpe discloses of a wagering game wherein a predetermined criterion to accrue a winning outcome includes a pre-selected symbol combination (page 1: 63-85).

Claims 5, 17 & 27: Sharpe discloses of a wagering game wherein a predetermined criterion is a promotional event (page 1: 65-75, 105-120).

Claims 6, 28: Sharpe disclose of a random generated outcome as predetermined criterion (page 1: 63-70, page 2: 10-17).

Claim 7: Sharpe inherently discloses of having probability of occurrence of the winning symbol combination to be identical to the probability of occurrence of the winning combination during play of the wagering game when the option is not exercised (page 1: 105-125, wherein Sharpe teaches of having a predetermined set of criteria, wherein the criteria could be an action such as pressing a button taken by the players,

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to display the winning symbol combination on the viewing window and the probability of winning when the button is pressed is equal to when the button not pressed).

Claims 8 & 9: Sharpe discloses of a wagering game wherein the winning symbol combination displayed is one of plurality of winning symbol combination from pay table (page 1-2: 114-5).

Claim 29: Sharpe discloses of a gaming device comprising plurality of symbol bearing reels, and a controller to cause the symbol bearing reels to rotate and stop to place symbols on the symbol bearing reels in a symbol array (page 1: 7-34).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-12, 18, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe as applied to the claims above in view of Gabrius et al. (US Patent 5,113,990).

Claims 10-11, 22-23: Sharpe discloses of a payout controller, which is a payout mechanism that outputs the winnings to the player depending on the result of the game (figure 1, element 5). However Sharpe fails to teach of a counter display to display the winnings on a game machine.

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Gabrius et al. teaches of a gaming machine which includes a credit meter, which displays the winnings on a game machine to the players and increment the numbers if the player wins more and decrement the total number if the player loses or if the player decides to cash out. It would have been obvious to one with ordinary skill in the art, at the time of the invention to have modified the machine taught by Sharpe to implement a credit meter to monitor the input and the output of the machine and the progress of the game to keep tracks of all the winnings awarded at the machine (col. 2: 3-15).

Claims 12, 18 & 24: Sharpe teaches of a bonus button that allows the player to redeem the winning accrued (page 2: 22-46).

7. Claims 13-14, 19-20, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe as applied to claims 1-12, 15-30 above, and further in view of DeMar et al. (US Patent 6,270,410).

Claims 13-14, 19-20 & 25: Sharpe substantially teaches the invention as claimed, however Sharpe fails to teach of a multiplier number associated with the value payout, and wherein the multiplier number is multiplied with the pay. DeMar et al. teaches of having a multiplier number, which is greater than one, wherein the value associated with the winning combination is multiplied by the multiplier number to increase the winnings (col. 3: 13-22). It would be obvious to one with ordinary skill in the art at the time of the invention to have modified the gaming machine taught by Sharpe to implement a multiplier number to associate with the winning combination to

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increase player winnings for the players and thus making it fun and exciting to play the games for the players (col. 2: 2-3).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of References cited page.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

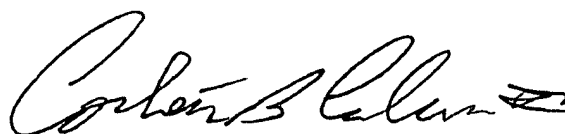
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic



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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", with a stylized flourish at the end.

**CORBETT B. COBURN  
PRIMARY EXAMINER**